Remarks

In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application. Independent claims 1, 18, and 36 are currently amended. Claims 4, 11-17, 20-32 and 38-40 have been amended to address formalities in light of the amendments to the independent claims. Claim 2 is canceled herein without prejudice. Claims 1, 4-7, and 9-40 are pending.

Statement of Substance of Interview Dated February 8, 2007

Applicant wishes to thank Examiner Amee A. Shah and Primary Examiner Yogesh Garg for conducting a telephonic interview with Applicant's attorney, Daniel T. McGinnity, on February 8, 2007.

During the interview, Applicant's attorney discussed §103 rejections based upon cited references Tremain, Bandhole, and Banka. In the interest of expediting allowance of the application, and without conceding the propriety of the rejections, Applicant's attorney proposed to amend each of the independent claims to further clarify claimed features. In particular, proposed amendments were discussed with respect to subject matter disclosed at least in FIG. 4 and associated discussion of the Application. Applicant's attorney understood the Examiner to tentatively agree that the proposed amendments would overcome the outstanding rejections. The Examiner requested that the proposed amendments be presented in

writing and indicated that the amendments would require the Examiner's search to be updated.

Accordingly, the independent claims have been amended herein consistent with the interview. Applicant submits that all of the pending claims are in condition for allowance. If any issues remain that would prevent the allowance of the application, Applicant requests that the Examiner contact the undersigned attorney to resolve the issues.

35 U.S.C. §103

Claims 1, 2, 4-7, 9-15, and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tremain, US 2002/0069369 (hereinafter referred to as "Tremain") in view of Bandhole et al., US 2002/0171678 (hereinafter referred to as "Bandhole").

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Tremain in view of Bandhole and further in view of Hui, US 2003/0220983 (hereinafter referred to as "Hui").

Claims 18-20, 29, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Banka et al., US 7,003,481 (hereinafter referred to as "Banka") in view of Bandhole.

Claims 21 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Banka in view of Bandhole and in further view of Tremain

Claims 23-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Banka in view of Bandhole further in view of Tremain and further in view of Hui.

Claims 27-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Banka in view of Bandhole further in view of Tremain and further in view of Forster, US 2004/0220980 (hereinafter "Forster").

Applicant respectfully disagrees. However, in the interest of expediting allowance of the application, and without conceding the propriety of the rejections, each of the independent claims 1, 18, and 36 are amended to further clarify claimed features. In particular, claims 1, 18, and 36 have been amended to clarify "subscriber selection of configuration options" via a user interface, one example of which is depicted in FIG. 4 of the Application. For example:

Claim 1 as amended (portions of the amendment appear in bold/italics) recites an apparatus for providing virtual computing services to subscribers on a subscription basis, said apparatus comprising:

- a server computer operable to:
- provide first computing services to a first subscriber of a plurality of subscribers enrolled in a subscription-based services program for the receipt of computing services;
- provide second computing services to a second subscriber of said plurality of subscribers enrolled in said subscription-based services program for the receipt of computing services; and
- ***output a user interface having one or more user selectable portions to enable subscriber selection of configuration options for respective computing services comprising at least:***

- *selection of a virtual non-volatile storage capacity from at least two virtual non-volatile storage capacity configuration options; and*
- *selection of an operating system from at least two operating system options, said server computer operable to install the selected operating system to a virtual non-volatile storage having the selected storage capacity to provide respective computing services;* and

- wherein said server computer comprises a first virtual non-volatile storage associated uniquely with said first subscriber to provide said first computing services and a second virtual non-volatile storage associated uniquely with said second subscriber to provide said second computing services, said *first virtual non-volatile storage being configured according to a first selected virtual non-volatile storage capacity and a first selected operating system based upon configuration options selected by said first subscriber,* and said *second virtual non-volatile storage being configured according to a second selected virtual non-volatile storage capacity and a second selected operating system based upon configuration options selected by said second subscriber.*

Claim 18 as amended (portions of the amendment appear in bold/italics) recites a method for providing subscription-based virtual computing services to a subscriber, the method comprising the steps of:

- enrolling a subscriber in a subscription-based computing services program for the provision of virtual computing services to the subscriber under the subscription-based computing services program through a virtual non-volatile storage allocated uniquely to the subscriber and accessible to the subscriber via a server computer during a communication session between the server computer and a subscriber device used by the subscriber, the virtual computing services corresponding to configuration options selectable by the subscriber;
- *exposing a user interface having a plurality of portions selectable by the subscriber to specify the configuration options for the virtual computing services including a least:*
    - *a portion selectable to specify a storage capacity of the virtual non-volatile storage from at least two storage capacity options;*

> - *a portion selectable to specify an operating system from at least two operating system options, said server computer operable to install a selected operating system to the virtual non-volatile storage to provide the virtual computing services; and*
> - *a portion selectable to specify whether the server computer is to automatically install available updates to the selected operating system;*

- enabling access to and use of the virtual non-volatile storage as desired by the subscriber via a server computer during a communication session between the server computer and the subscriber device; and,
- charging the subscriber in accordance with selected configuration options received from the subscriber.

Claim 36 as amended (portions of the amendment appear in bold/italics) recites a computer-readable medium having computer-executable instructions for providing subscription-based virtual computing services to a subscriber, the computer-executable instructions for performing steps comprising:

- enrolling a subscriber for the provision of virtual computing services to said subscriber through a virtual non-volatile storage allocated uniquely to said subscriber and accessible to said subscriber via a server computer during a first communication session between said server computer and a subscriber device used by said subscriber, said virtual computing services corresponding to configuration options selectable by said subscriber;
- *exposing a user interface having a plurality of portions selectable by the subscriber to specify the configuration options for the virtual computing services including a least:*
  > - *a portion selectable to specify a storage capacity of the virtual non-volatile storage from at least two storage capacity options,*
  > - *a portion selectable to specify an operating system from at least two operating system options, said server computer operable to install a selected operating system to the virtual non-volatile storage having the selected storage capacity to provide the virtual computing services;*

- *a portion selectable to specify whether the server computer is to automatically install available updates to the selected operating system; and*
- *a portion selectable to specify when the server computer is to perform backups of the virtual non-volatile storage;*

- enabling access to and use of said virtual non-volatile storage as desired by said subscriber via said server computer during a subsequent communication session between said server computer and a subscriber device used by said subscriber; and,
- charging said subscriber a subscription fee in an amount related to selected configuration options received from said subscriber subscriber.

Support for the amendments may be found throughout the specification and drawings as filed and examples of which include at least FIG. 4 and p. 19, line 1 to p. 21 line 18.

In light of the above noted amendments, Applicant submits that the references of record fail to disclose, teach, or suggest the features of the claims 1, 18, and 36 as amended. As was discussed in the interview, the references of record, alone or in combination, fail to disclose, teach, or suggest the subject matter of the claims as amended. Accordingly, withdrawal of the §103 rejections of these claims is respectfully requested.

Claims 4-7, 9-14, and 16-17 depend from claim 1 and are allowable at least on the basis of this dependency as well as for their own recited features, which the references of record fail to disclose, teach, or suggest. Accordingly, withdrawal of the §103 rejections of these claims is respectfully requested.

Claims 19-35 depend from claim 18 and are allowable at least on the basis of this dependency as well as for their own recited features, which the references

of record fail to disclose, teach, or suggest. Accordingly, withdrawal of the §103 rejections of these claims is respectfully requested.

Claims 37-40 depend from claim 36 and are allowable at least on the basis of this dependency as well as for their own recited features, which the references of record fail to disclose, teach, or suggest. Accordingly, withdrawal of the §103 rejections of these claims is respectfully requested.

Conclusion

The Application is in condition for allowance. The Applicant respectfully requests reconsideration and issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is requested to contact the undersigned attorney to discuss the unresolved issue.

Respectfully submitted,

Dated: 2/20/07   By: /Daniel T. McGinnity, #55,444/

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